

RECORD OF PROCEEDINGS

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

Thursday, October 8, 2020

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ITEM 1: CALL TO ORDER: Mayor Williams called the Riverside, Ohio City Council Work Session to order at 6:01 p.m. at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

ITEM 2: PLEDGE OF ALLEGIANCE: Mayor Williams led the pledge of allegiance.

ITEM 3: ROLL CALL: Council attendance was as follows: Ms. Campbell, present; Mr. Denning, present; Mrs. Franklin, present; Ms. Fry, present; Deputy Mayor Lommatzsch, present; Mr. Teaford, present; and Mayor Williams, present.

Staff present was as follows: Mark Carpenter, City Manager; Kathy Bartlett, Public Service Director; Gary Burkholder, Community Development Director; Lori Minnich, Economic Development Specialist, and Katie Lewallen, Clerk of Council.

ITEM 4: EXCUSE ABSENT MEMBERS: No council members were absent.

ITEM 5: ADDITIONS OR CORRECTIONS TO AGENDA: There were no additions or corrections to the amended agenda.

ITEM 6: APPROVAL OF AGENDA: Mr. Denning motioned to approve the amended agenda. Mr. Teaford seconded the motion. All were in favor; none opposed. **Motion carried.**

ITEM 7: WORK SESSION ITEMS:

A) Waste Collection Bids – Mr. Carpenter stated that the resolution at the last council meeting was voted down and discussion with the City of Dayton Alternate 2 program was motioned. He invited the City of Dayton to attend, but no one from the City of Dayton was in attendance. Republic Services representatives were in attendance, and Ms. Freda Patterson had some documents for distribution. Ms. Fry stated that earlier Alternate 2 was a reduction in service; she asked what was reduced. Mr. Carpenter replied it was a container only program. Ms. Fry asked what service gets reduced. Mr. Carpenter stated that everything has to fit into the container at no additional fees. The bulk pickup is limited to one item with fees for additional items. On the bid tab, City of Dayton didn't state any additional fees for those items. He wants to clarify that with the City of Dayton. She stated that if those additional items were allowed with no fees associated with them, then City of Dayton would not be a reduction in service. Mr. Carpenter stated the number of times bulk pickup is provided would be reduced as it is twice a month. Even on Alternate 1, the City of Dayton stated twice a month bulk pickup. Ms. Fry stated she had issue with the data presented last week as it was only Alternate 1. Last week, there was no compelling reason to choose the current provider Alternate 1, based on data presented because Rumpke had the lowest bid overall and City of Dayton had the no wrap for bulk pickup. If the best option is Republic Alternate 1, she wants to be able to communicate that. Mr. Carpenter stated his rationale was using the same level of service, taking into consideration that a majority of residents do not rent a container, Republic is the best price. There are 1,814 people who rent containers versus 4,500 who do not. The people who rent, their price would be increased, but a majority of residents would not that was the best price. The price of the cars went up. Mrs. Franklin stated that it is \$54.30/quarter with carts with the same service now; previously it was roughly \$49.00. With the City of Dayton if they want the exact same service they get from Republic now, it is \$56.60/quarter. Republic is cheaper. She explained that the bid they requested was for Alternate 1. Alternative 2 has a reduction in how much garbage gets picked up. If there are two containers out there then two won't be picked up. Mayor Williams asked if they go with the City of Dayton they have to be the City of Dayton containers. Mrs. Franklin replied yes, and all the stuff has to fit into the container. Ms. Fry stated there is no cost to rent with Dayton, which is a factor in the price. Mrs. Franklin stated it is \$51.04 for the City of Dayton; it is \$3 cheaper, but all the garbage people put on the curb will not be picked up. Ms. Fry commented that the information before them says it will be. Mrs. Franklin stated that Alternate 2 on the second page is for every other week bulk pickup. She stated as an example, when she has six bags of leaves it will only happen every other week they pick

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that up. Now, it doesn't matter how many bags as Republic picks it up. Ms. Fry asked her to clarify between bulk and trash. Discussion was held on describing the difference between bulk and regular trash and where leaves and yard waste would fall. Mr. Carpenter stated there are additional fees with trash that does not fit into the container, but Dayton's bid tab claimed there was none and that is where they need clarification. Mr. Denning stated it is probably the only thing that threw him into Alternate 2, what he didn't understand when he was looking at that was that everything had to be inside the container in order for them to pick it up. Mrs. Franklin replied Dayton also has a new policy that if the wrong thing is put in the recyclable two times, you will lose service for a year. Ms. Fry commented that is new information. Mr. Denning added that he read that, too, and it would be one of those things...Discussion was held on recycling. Mr. Denning asked if they want Alternate 1 or Alternate 2. Ms. Fry stated it was premature as residents expect them to go with the lowest cost bid and if they go with the second lowest cost because they decided they are only looking at one alternate that doesn't hold water for her. Mrs. Franklin commented that residents would be paying less for Dayton because they are getting less service. In their mind a \$3 difference/quarter...Ms. Fry stated if the less is bi-weekly bulk pickup. Discussion was held about if there would be additional cost would occur if items did not fit in the container.

Ms. Campbell stated they should ask for the gentlemen to come forward to ask them. Mayor Williams stated Dayton was not present to discuss; they were supposed to be. Both of the men present were from Republic.

Ms. Freda Patterson was invited to come to the microphone. She stated that **her** understanding is it has to be in their container. Although it states a zero cost it is because they aren't going to pick it up; it has to be in their containers. Her understanding, also, is any additional container through Dayton, fees will go up because only one is included in Alternate 2. If you need two, your rates go up for the second container. She spoke to the City of Dayton and that is how they explained it works. Ms. Campbell stated last time they discussed it that Dayton would charge \$44 every three months, but they would supply trash cans and they wouldn't have to pay yearly or monthly for it. The bulk pickup doesn't have to be wrapped. Mr. Denning stated the reason he went with that was because those were the complaints that he had read and heard the most was that people were upset about wrapping their stuff and Dayton didn't require that. The other item was that it was zero extra cost...the point is, which was a question in his mind, does that mean there is no cost OR there is no cost, but we aren't picking it up. That is his concern and why he wants Dayton there to clarify and help them make their decision. If most people need more than the 96-gallon container for their trash, then Alternate 1 is the only way for them to go. He believes that when they did this five years ago that was the concern they had with people having too much trash not getting picked up. Mr. Denning stated do they want Alternate 1, unlimited trash so people can put out everything they want and get it picked up, or Alternate 2, they can put whatever out there, but what fits in the 96-gallon container is all that gets picked up. Mayor Williams asked if every household would have to have the 96-gallon container. Mr. Denning replied yes. He stated that many people emailed they didn't want a 96-gallon container because it is too heavy; they would rather have two 32-gallon containers. They were just trying to get some uniformity and make it quicker. He stated they need to go with Alternate 1 and go with Republic.

Ms. Fry stated they need to justify as everyone seems to blow past the \$300,000 difference. Based on emails she received, continuity of service ranks highly, but she doesn't want to ignore the \$300,000. Mr. Carpenter stated the only thing he could say is that it is a different level of service. They are limited on everything being in the container and one bulk item, and if you do more than that there are additional fees. Mrs. Franklin said at that point an individual will be paying more than the Alternate. Mayor Williams stated when they look at the total cost of the service contract over five years, but if they think were they were five years ago and the cost and at the future five years and the cost, what type of percentage change are they talking about. Is it even with either the time, cost of money, or inflation. He understands the concern, but the continuity of service seems to be much more than

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previously expressed. Ms. Fry added that until this week, she had never heard a positive thing about Republic and that really changes how they view the business before them. Mrs. Franklin stated that most of the people have seen the forms and understand they will be paying a couple more dollars than Alternative 2, but they would rather have the service than to worry about the couple of dollars. Mr. Denning stated he tries to listen to what people are telling him in the public and they are saying leave it alone and don't mess with it.

Mr. Carpenter stated that for the majority of people, the bill is not going to go up. Republic did not raise their fees except for people who rent containers. A high majority don't rent containers. Ms. Campbell asked if they wanted to contact Dayton and find out why they weren't present. Mayor Williams stated they had a couple of invitations to come before them and did not do so.

Mr. Carpenter added they also requested a senior discount for those 65 and older, who would get a lower price if council chose to adopt that program. There is also a house side subscription service if chosen by residents, but that is an additional fee. Ms. Fry asked if for the senior program the non-seniors subsidize the lower cost for the seniors. Mr. Tom Turchiano, Republic Services, and Mr. Jeff Shula, Republic General manager, came to the podium. Mr. Turchiano stated it is a blended rate. They took in account about 15% of the population who would qualify for that senior level based on the census. On a monthly rate, it jumps up about .20/month more, if you didn't have a senior program. Folks who aren't on the senior program slightly subsidize the variance. Mrs. Franklin stated there is about a \$15 difference yearly on the senior vs. non-senior rate on their paperwork. Mr. Shula stated they love the community and do their best to pick up all the trash. He feels they have great communication with the city and if there are any problems they have, they communicate with the city. He worked for UPS for 38 years so he knows service. Mr. Denning asked how many drivers work specifically in Riverside; do the same drivers drive. Mr. Shula replied it is the same crews. There are five drivers and they all pay income tax to the city.

Deputy Mayor Lommatzsch asked about the communication that went out from Republic to the residents. Mr. Shula stated it just explained the discontinuation of services. She stated that she is a resident and didn't get one. Mr. Turchiano stated they had drivers hand it to people as they were outside in the public; it was not a mailing. Mr. Carpenter stated an email was sent to council. Ms. Fry stated the two correspondences, the email council got and the letter given to residents, were quite different. The email to council was very nice and explained they would help wrap the bulk with residents; the letter to the residents was like a hand grenade into the city. The letter seemed to insinuate something underhanded was happening. They were very early in evaluating the options from last week, but she felt it was a stab in the back. Deputy Mayor Lommatzsch stated the implication of the letter asked if there was something in it for her, personally. She stated in the last six months her neighborhood has been clean, but prior to that there was a lot of stuff left on the street that did not get picked up and she reads into that a message. She has no personal complaints with any trash company she has had. She explained how they had multiple vendors in the past and how they moved to one vendor as part of the merger. She stated that she took personal offense to their letter. Mr. Shula stated he took over the job in the last three years, and it is his job to make sure drivers do what they are supposed to do. He has to protect his drivers while they are driving. Discussion was had over wrapping of bulk items and the letter sent to the community.

Ms. Patterson stated she received one of the letters from a driver who had been putting them on the flags of mailboxes. She has had issues with Republic and has called them in the past with complaints through the city. She recently had an item out that had not been picked up. She stated that these are the type of complaints that regularly happen. The bulk wrapping issue was that when the contract was originally made, it was not included that there had to be bulk wrapping. The issue came up a few years ago with bedbugs. It was not part of the contract and Republic should have contacted the city regarding this issue. This is why the residents were upset. In her opinion, with whomever the city goes with and there is a change

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to be made, it should be presented to council and they should have a right to say if they need to add an addendum to the contract. She added that she did not feel council had any personal gain with the contract.

Mr. Carpenter stated he received a text about 15 minutes ago that the City of Dayton stated in good faith they cannot meet the January 1, 2021 deadline so therefore they are withdrawing their bid.

Mr. Shula stated his whole goal is to make sure residents in Riverside are satisfied with their service. He wants to make things better in Riverside and he believes in community, and before he came to Republic he did not know they had to wrap or there was an option. He is still learning and making sure things are happening. His number one goal is safety for the community and his drivers, and then service, making sure service is done.

Mr. Carpenter asked about the senior program as that would be different from the last legislation brought forward. It was determined that the difference in price would be an additional .70 per quarter for non-seniors for seniors to receive a discount. Ms. Fry stated the message they have received this week is that times are tough, please don't ask them to pay more. Deputy Mayor Lommatzsch stated that a lot of the people that responded were senior citizens so I think they would be happy about it. Ms. Patterson added that she has no issue paying .50 or .60 more a quarter. Mr. Denning interjected it would be .76/quarter.

Mr. Denning motioned to bring forward legislation for the waste contract to go with Alternate 1, Republic, with the senior discount added. Ms. Fry seconded the motion. All were in favor, none opposed. **Motion carried.**

B) 2020 Budget Update – Mr. Carpenter stated these were numbers through September. The four-month average exceeds the revised target; however, it reflects all the revenue coming in for police, fire, service, and the general fund. The income tax is the biggest issue they have. It has dropped off significantly; they are running about 20 percent below normal. He is moving forward with the 2021 draft budget in trying to use dollar amounts around the revised target number just to be conservative right now. Deputy Mayor Lommatzsch asked if he looked for it to get any better. Mr. Carpenter stated he is going to stay close to the revised target number, maybe a little less, but it is trying to maintain the level of service they have and balance the budget. Ms. Fry asked what the graph represented. Mr. Carpenter stated it is for all revenue for service, police, fire, and general fund that includes property taxes, EMS billing, gas tax, motor vehicle tax, etc. Ms. Fry stated that based on the data they have so far this year, it is off from the blue line on the graph. They are averaging June, July, August, and September and not included in the average is April or May. Mr. Carpenter stated he is looking at the revised target number, the blue line, but the adjustment wasn't made until May. Ms. Fry commented that the average would be lower if they factored in April or May. Mr. Carpenter agreed. In 2021, he stated he will lean closer to the revised target number. Mrs. Franklin asked if they received the last amount from CARES, and if they know the final number. Mr. Carpenter stated it was \$905,000. Ms. Fry asked why their CARES Act funding was higher than surrounding communities. Mr. Carpenter stated the first amount was based on the local government fund formula; the last amount was based on population. Ms. Fry asked if they got the disbursement regardless of what they were spending it on; it was factored in ahead of time based on their formula. Mr. Carpenter replied yes. The state budget office and state auditor's office stated they could use the funding for public safety personnel. Deputy Mayor Lommatzsch stated there have been inquiries on how they have spent the money and at some point how they spent the money. Mr. Carpenter stated there is legislation that has that information that will be coming forward next week. She asked that once it is passed can they put out in simplistic information what it was spent on. She added that communications are not getting through.

C) Urban-3 – Mr. Burkholder stated he left materials at the dais relative to a consulting group that he recently attended via webinar. He wanted to pass along information

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on what this analytical firm does and how it helps cities. They do a lot of analytics on land use, land use planning, and economic development and provide 3-D data visuals, which not only helps policy makers make decisions relative to land use, zoning and development, but also helps educate the community on choices of best develops, where it should go, and how should land be used and reused. He stated this is another tool that fits very well as they are talking about updating their zoning and updating their 2005 land use plan. He is looking into the cost of doing a webcast with the principal of the company; he is renowned in what he does. He has a degree in architecture from Miami University and then a Masters from Harvard. He would like to have a webcast that is 45 minutes long with 10 – 20 minutes for questions and answers. He wants it to be a joint meeting with council and planning commission. As he gets more information he will forward it to the city manager and council.

Mayor Williams asked if there was anyone on staff that uses GIS or ESRI software as this is a lot of same data sets uses MVRPC data. Mr. Carpenter stated he wasn't sure, but they have a couple of people who have access. Deputy Mayor Lommatzsch stated that MVRPC has lots of resources that they already pay for and people willing to come out and train to make staff more efficient. Mr. Carpenter stated that some of that is the number of users for GIS so they are looking to expand that and they are looking at zoning administrators and one of the candidates has GIS experience.

D) East Springfield Street/ODOT Estimate – Ms. Bartlett stated that the 2020 paving program final numbers looks like they will be saving approximately \$237,000. The reason for that is the full depth pavement replacement as they estimate based on what they see on the surface, but don't know what needs done until they come through with the mill. Jay being in the field with the contractor was able to eliminate or non-perform a lot of those full-depth pavement replacement areas. There was also some curb removed and placed that wasn't done. Some walk at handicap ramps that they didn't have to go as far back as they thought they needed to so there was a removed item and a sidewalk construction item not used. There were several manholes that did not need adjusted to grade. They reduced a step in the SAMI they placed on North Union Schoolhouse, and there were some catch basins they planned to remove, but after further inspection they determined they didn't need replaced.

Ms. Bartlett stated when they submit plans in the final stage after the city consultant is done and done their estimate, it gets turned over to ODOT, who does their own independent estimate. They don't know the exact numbers of their estimate, but they got the invoice of what the city needs to pay ODOT since it is an ODOT let project, who manages all the payments to the contractor. That estimate to the city was about \$350,000 more than they planned for. The loan the city needs is \$1.35 million. The \$237,000 can offset some of the \$350,000. As far as their estimate done by the city consultant, Choice One, or whether ODOT's is right, they won't know until after the project is bid. Once that happens, when the project is completed and the bid comes in low or what the city engineer estimate was, then the city would get a check at the end of the project. Deputy Mayor Lommatzsch asked what the total was for the project. Ms. Bartlett stated Choice One estimated it at \$3.4 million from Harshman to the Greene County line. Mr. Carpenter stated the best option is that they use the savings to offset the additional cost of what ODOT is requesting, and then they would appropriate the difference of roughly \$150,000. They want to bring that to council at the first meeting in November because they need to give ODOT the check by November 13, 2020. The bid goes out in December. The thought is to offset the difference in the 2021 budget. Deputy Mayor Lommatzsch asked about the base piece of it. Mr. Carpenter replied that due to timing that will be applied to West Springfield Street. None of it will go on the \$3.0 million. The West Springfield Street match is in good shape. They are just now applying for the OPWC portion. Ms. Bartlett stated the estimate for West Springfield is \$3.0 million and they have STP funds for \$1.8 million, and then they have the \$300,000 FLAP grant. They will apply for just under \$1.0 million through OPWC, a 25% grant and 75% loan.

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E) B-3 Text Amendment – Mr. Carpenter stated there was conversation as to whether it goes back to the planning commission or not. Ms. Fry stated she understood it didn't follow the appropriate process at the planning commission and wanted the remedy. She understood it needed to go back to the planning commission to go through that process. Mayor Williams stated that was not the impression the law director gave. Mr. Denning thought it was up to council and when they made the motion to take it off, he thought the process would be to do it procedural correct and doing it the same every time. To him, it was a separate item and not added into the B-2 as a condition. It was a separate thing that needed to be addressed. Because they had a hearing on it not as a B-2, he would like to make sure they do things procedurally correct so if it needs a 5-day or 10-day notice, whether it comes up separate or not, they need to do that every time for everything we are doing. Ms. Fry stated that the law director volleyed it back to council; she wasn't telling them it had to or that it wasn't appropriate. The concern had value and merit and leaving it to council to decide. Discussion was held on the public notices and public hearings.

Mayor Williams stated that he feels that the planning commission and publication and hearing held all happened legally and was for future planning of business districts in the city pertaining to a specific use. Mrs. Franklin stated that issue is there is not motion on what to do with this. They had discussion, but no motion was made on what to do with it. Mr. Carpenter stated part of the discussion was to send it back to planning commission. Mayor Williams stated the planning commission already gave a recommendation. Mr. Carpenter stated he interprets it as does the public have a chance to comment on it, and if it is brought back to council there will be a public hearing and the opportunity for public comment. Deputy Mayor Lommatzsch commented how the chair of the planning commission was not comfortable moving forward with the B-3 having had little time with the information received. They need to inform the public of what council's intents are and that is why they have public hearings. Ms. Fry stated their current process is to have a public hearing at planning commission and then again when it comes to council; what is the purpose of having two. Mr. Denning stated years ago they never had public hearings on the second reading; so, the public hearing was at the planning commission. Since then, they have a hearing on everything that is an ordinance at the second reading if it gets to the second reading. He asked the law director why they did two hearings and the answer he got was because that is what has been set up as the procedure in how they do things. It is a waste of time to have two hearings. Mayor Williams asked what they are legally required to do. Mr. Carpenter stated for a text amendment, it needs to go to the planning commission and they would forward the to council. Council would then have their first reading and if it moves forward then a second reading and public hearing. It is council's discretion on what they want to do with this specific text amendment. Mayor Williams stated a recommendation has been made to council already. More discussion was held as to staff referring to it as a B-3 and that is what it got termed compared to what council wanted the planning commission to consider. Mayor Williams stated it feels like where they were a few months ago to now, it feels like one hurdle after another before they can make a decision. That is what it felt like last week. This has been discussed enough to be able to take a vote of seven elected officials on the issue they have been discussing since March. Ms. Fry asked what the issue was. They started off with an issue that refracted. There are now multiple issues to contend with so, it gets harry with what is the issue they are discussing. She asked if it was U-Haul. She has been trying to avoid voting on that as that is an inappropriate way to approach the problem. Mayor Williams stated that is why they looked at ways to address an inefficiency in their business acceptable uses that would not transform the city and bring them closer to 2020. Ms. Fry thought that this legislation missed a step and they were going to take it back to planning commission; they were still moving it.

Deputy Mayor Lommatzsch motioned to send the B-3 back to the planning commission; Ms. Campbell seconded the motion. Mr. Denning asked what would happen if they vote it down; is the B-3 dead? Mrs. Franklin stated that the planning commission put it in the council's hands and for them to send it back to planning commission to change their decision seems... Deputy Mayor Lommatzsch withdrew her motion and motioned that they do not further

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consider a B-3 zoning issue. Ms. Fry seconded the motion; if they don't recommend it, and she has concerns with it. Mr. Denning stated if they want to do it properly, they put the ordinance back on the agenda for next Thursday, and if they don't want what the ordinance says then vote no on the ordinance and if it fails it will die at the first reading. The clerk stated that the ordinance reads that the City of Riverside planning commission 'has recommended' a B-3. Council has to hear this because the procedure is that once planning commission has recommended something to council they have to act on it. Deputy Mayor Lommatzsch withdrew her motion. Mr. Carpenter stated they will put it on the agenda.

F) Retreat Summary Review – Mr. Carpenter stated when they started the work session this was going to be the primary item. He wants to establish two dates for further discussion on the council retreat summary and any additional strategic planning or identifying some items that need to go in the 2021 budget. He is going to move forward on the budget and bring to council in the near future. He stated it would be on operational and capital items. Ms. Fry asked what format they would get. He stated it would be a spreadsheet in conjunction with the binder. Ms. Fry requested they pass the budget document they vote to approve be in the format that Tom puts it in in the end. Meaning that while they have the benefit of looking at the complicated spreadsheet that is not what they are approving. They will approve the allocations in the various funds and it is a topline summary and that is what they see when they vote. Mr. Carpenter stated exactly what is appropriated.

Dates for the council retreat summary were established as two-hour blocks for October 17 and October 24 from 9 am – 11 am at the city building. Discussion was held on the expectations and objectives. Mr. Carpenter stated he would send something out regarding the format along with all the dates.

ITEM 8: COUNCIL MEMBER COMMENTS: There were no council comments.

ITEM 9: ADJOURNMENT: Mr. Denning motioned to adjourn. Mr. Teaforde seconded the motion. All were in favor; none were opposed. **Motion carried.** The meeting adjourned at 7:43 pm.



Peter J. Williams, Mayor



Clerk of Council

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